

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CRYSTAL SEAMAN,

Plaintiff,

vs.

FOOD GIANT SUPERMARKETS, INC.,

Defendant.

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Case Number: 2:05-CV-00414-T

MOTION FOR SUMMARY JUDGMENT

COMES NOW Food Giant Supermarkets, Inc., Defendant in the above-styled cause, by and through counsel, and pursuant to FED. R. CIV. P. 56 respectfully moves this Court to enter summary judgment in its favor and dismiss any and all claims asserted against it by Plaintiff Crystal Seaman, on the grounds that there is no genuine issue as to any material fact for a jury to resolve and that the Defendant is entitled to judgment in its favor as a matter of law.

This motion is based upon the Defendant's separately filed brief in support of this motion for summary judgment containing the narrative statement of undisputed facts pursuant to Rule 56, all other matters of record and pleadings filed herein, and the exhibits attached to the Notice of Filing.

WHEREFORE the above-premises considered, the Defendant respectfully requests that this Court enter summary judgment in its favor on all counts of Plaintiff's Complaint and that this Court dismiss it from this action, with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14th day of September, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of each filing to the following:

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